

### **REMARKS**

Claims 31-42 and 73-84 are pending. By this amendment, claims 1-6, 43-48, and 85-91 are cancelled. Applicant selects previously withdrawn claims 31-42 and 72-84 for continued prosecution. Independent claims 31, 37, 73, and 79 are amended to reflect previous amendments to claims 1, 43, and 86. No new matter is introduced. Consideration and allowance of all pending claims is respectfully requested in view of the preceding amendments and following remarks.

#### **Claim Rejections Under 35 U.S.C. §112**

Claims 1-6, 43-48, and 85-91 are rejected under 35 U.S.C. §112, first paragraph and second paragraph. Claims 1-6, 43-48, and 85-91 have been cancelled, rendering the rejection of claims 1-6, 43-48, and 85-91 moot.

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 1-6, 43-48, and 85-91 are rejected under 35 U.S.C. §103 (a) over U.S. Patent 6,064,986 to Edelman (hereafter Edelman) in view of U.S. Patent 6,061,661 to Hagan (hereafter Hagan) and further in view of "The Handbook of Fixed Income Securities" by Fabozzi, et al. (hereafter Fabozzi) as discussed in paragraph 3 of the Office Action mailed on February 15, 2005. Claims 1-6, 43-48, and 85-91 have been cancelled, rendering the rejection of claims 1-6, 43-48, and 85-91 moot.

#### **New Claims 31-42 and 72-84 are Allowable**

New claims 31-42 and 72-84 are allowable over art of record because Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest the features of determining when to distribute pooled fixed interest and when to selectively distribute a port of pooled contingent interest based on the established investment parameters. For example, Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest "establishing investment parameters, wherein the investment parameters include a time duration for an investment period and a percentage distribution of the funds between a pooled fixed component, a pooled distribution contingent component, and a pooled reinvestment contingent component; ... investing second portions of a first set of the plurality of funds in the pooled distribution contingent component generating first pooled contingent interest; investing second portions of a second set of the plurality of funds in the pooled reinvestment contingent component generating second pooled contingent interest; determining, via a computer system,

when to selectively distribute at least a portion of the pooled fixed interest based on the established investment parameters; ... determining, via the computer system, when to selectively distribute at least a portion of the first pooled contingent interest based on the established investment parameters; ... re-investing at least a portion of the second pooled contingent interest in the pooled reinvestment contingent component; determining, via the computer system, when to end an investment period based on parameters; and distributing all of the pooled fixed component, the pooled distribution contingent component, the pooled reinvestment contingent component, the pooled fixed interest, and the first pooled contingent interest and the second pooled contingent interest when the investment period has ended,” as recited in amended claim 31. Accordingly, amended claim 31 is allowable over art of record.

Claims 32-36 are allowable at least because they depend from allowable claim 31 and for the additional features they recite.

Regarding claim 37, for at least the same reason as stated above with respect to claim 31, Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest “establishing investment parameters, wherein the investment parameters include a time duration for an investment period and a percentage distribution of the funds between a pooled fixed component, a pooled distribution contingent component, and a pooled reinvestment contingent component; ... investing second portions of a first set of the plurality of funds in a the pooled distribution contingent component generating first pooled contingent interest; investing second portions of a second set of the plurality of finds in a the pooled reinvestment contingent component generating second pooled contingent interest; re-investing at least a portion of the pooled fixed interest in the pooled fixed component; determining, via a computer system, when to selectively distribute at least a portion of the pooled fixed interest based on the established investment parameters; determining, via the computer system, when to selectively distribute at least a portion of the first pooled contingent interest based on the established investment parameters; ... re-investing at least a portion of the second pooled contingent interest in the pooled reinvestment contingent component; determining, via the computer system, when to end an investment period based on parameters; and distributing all of the pooled fixed component, the pooled distribution contingent component, the pooled reinvestment contingent component, the pooled fixed interest, and the first pooled contingent interest and the second pooled

contingent interest when the investment period has ended,” as recited in amended claim 37. Therefore, amended claim 37 is patentable over art of record.

Claims 38-42 are allowable at least because they depend from allowable claim 37 and for the additional features they recite.

Regarding claim 73, for at least the same reason as stated above with respect to claim 31, Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest “a pooled distribution contingent component ... a pooled reinvestment contingent component ... wherein at least a portion of the pooled fixed interest is distributed, at least a portion of the first pooled contingent interest is distributed, and at least a portion of the second pooled contingent interest is re-invested in the pooled reinvestment contingent component, wherein the data structure establishes investment parameters including a time duration for an investment period and a percentage distribution of the funds between the pooled fixed component, the pooled distribution contingent component, and the pooled reinvestment contingent component, wherein the data structure determines when to selectively distribute at least a portion of the fixed interest and when to selectively distribute at least a portion of the first pooled contingent interest based on the established investment parameters, wherein the data structure determines when to end an investment period based on the established investment parameters, and wherein all of the pooled fixed component, the pooled distribution contingent component, the pooled reinvestment contingent component, the pooled fixed interest, the first pooled contingent interest, and the second pooled contingent interest are distributed when the investment period has ended,” as recited in amended claim 73 (emphasis added). Therefore, amended claim 73 is patentable over art of record.

Claims 74-78 are allowable at least because they depend from allowable claim 73 and for the additional features they recite.

Regarding claim 79, for at least the same reason as stated above with respect to claim 31, Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest “a pooled distribution contingent component ... a pooled reinvestment contingent component ... wherein at least a portion of the pooled fixed interest is re-invested in the pooled fixed component, at least a portion of the first pooled contingent interest is distributed, and at least a portion of the second pooled contingent interest is re-invested in the pooled reinvestment contingent component, wherein the data structure establishes investment parameters including a

time duration for an investment period and a percentage distribution of the funds between the pooled fixed component, the pooled distribution contingent component, and the pooled reinvestment contingent component, wherein the data structure determines when to selectively distribute at least a portion of the fixed interest and when to selectively distribute at least a portion of the first pooled contingent interest based on the established investment parameters, wherein the data structure determines when to end an investment period based on the established investment parameters, and wherein all of the pooled fixed component, the pooled distribution contingent component, the pooled reinvestment contingent component, the pooled fixed interest, the first pooled contingent interest, and the second pooled contingent interest are distributed when the investment period has ended," as recited in amended claim 79 (emphasis added). Therefore, amended claim 79 is patentable over art of record.

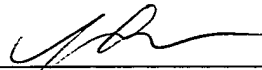
Claims 80-84 are allowable at least because they depend from allowable claim 79 and for the additional features they recite.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: **February 6, 2006**

  
\_\_\_\_\_  
Kelly T. Lee  
Registration No. 47,743  
**Andrews Kurth LLP**  
1350 I Street, N.W.  
Suite 1100  
Washington, DC 20005  
Tel. (202) 662-2700  
Fax (202) 662-2739